

COUNTY OF YORK

MEMORANDUM

DATE: March 18, 2015 (BOS Mtg. 4/21/15)

TO: York County Board of Supervisors

FROM: J. Mark Carter, Interim County Administrator 

SUBJECT: Application No. UP-857-15, Penny Cazier

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-306 (Category 3, No. 2) of the York County Zoning Ordinance, to authorize the establishment of a natural health consultant office with on-premises retail sales and customer/client contact as a home occupation in a single-family detached home on a 0.57-acre parcel located at 108 Bonito Drive (Route 1266) and further identified as Assessor's Parcel No. 25-11-3-67.

DESCRIPTION

- Property Owners: Frank W. & Penelope Cazier Jr. TRS
- Location: 108 Bonito Drive (Route 1266)
- Area: 0.57 acre
- Frontage: 120 feet on Bonito Drive
- Utilities: Public water and sewer
- Topography: Flat along the frontage and sloping down toward Chisman Creek
- 2035 Land Use Map Designation: Low Density Residential
- Zoning Classification: RR - Rural Residential
- Existing Development: Single-family detached home
- Surrounding Development:
 - North: Single-family detached home
 - East: Single-family detached home
 - South: Single-family detached home across Chisman Creek
 - West: Single-family detached home
- Proposed Development: Natural health consultant office as a home occupation with on-premises retail sales and customer/client contact

CONSIDERATIONS/CONCLUSIONS

1. The subject parcel is located in the Mill Cove Estates subdivision on the southwest side of Bonito Drive adjacent to four single-family detached homes. This half-acre parcel and the surrounding area are zoned RR (Rural Residential). The entire area is designated Low Density Residential in the Comprehensive Plan.
2. The applicant is applying for a Special Use Permit to operate a natural health consultant office as a home occupation with on-premises retail sales and customer/client contact. According to floor plans submitted by the applicant, the proposed home occupation use would be limited to the ground floor of the two-story home. Access to the office area would be through the front door, to the foyer, kitchen, den, and into the sunroom. According to the applicant's narrative, clients would be seen individually.
3. In accordance with Zoning Ordinance Section 24.1-283(b)(3), the parking demand associated with the home occupation must be accommodated on the property and must be in addition to spaces otherwise required for the residential use on the property (two spaces). The applicant's dwelling has a two-car garage, which satisfies the minimum standards for single-family detached dwellings. The applicant's driveway, which measures approximately 20 feet in width and 75 feet in length, has sufficient room to accommodate up to another four vehicles.
4. Section 24.1-281 of the Zoning Ordinance specifies a series of performance standards that apply to home occupations in general, and Section 24.1-283(b) sets forth additional standards that apply specifically to those home occupations for which a use permit is required. In accordance with these standards, home occupations are not permitted to occupy more than 25% of the floor area of a residence or 400 square feet, whichever is less, unless the Board authorizes a greater floor area in conjunction with a use permit application. According to County Assessor's records, the applicant's home has approximately 2,748 square feet of floor area. The floor plan submitted by the applicant (copy attached) indicates that the room proposed for the office space would be approximately 187 square feet, or 7% of the total floor area of the home. The proposed condition of approval is for 200 square feet to provide some leeway in the total size.

The Zoning Ordinance also limits all customer/client contact to the period between 8:00 AM and 8:00 PM, Monday through Saturday, unless otherwise specified by the Board through a use permit condition. The applicant's proposed hours of operation are Monday through Saturday from 9:00 AM to 6:00 PM for appointments. The proposed conditions of approval would limit the number of appointments to no more than one at a time.

5. The average daily traffic that would be generated by the proposed home occupation is difficult to estimate since the actual office hours are variable, as is the length of the appointments. If all appointments were for one hour, the home business would generate two trips every hour (one entering and one exiting), or up to a

maximum total of eighteen trips per day based on the proposed hours of operation. There would be no more than three trips for appointments during the PM peak hour and none in the AM peak hour.

The Board has approved several use permits for home barber/beauty shops and with almost identical hours of operation. Additionally, three use permits have been approved for nutritional counseling that included group classes and evening hours, as well as use permits for a physician's office and a physical therapist's office as home occupations, both of which included evening hours of operation. None of these permits have generated any reported problems or complaints from surrounding neighbors with regard to traffic or any other aspects of their operation. Based on the history of these uses, I do not believe the proposed home occupation would have significant traffic impacts on the neighborhood.

6. There is an informal/voluntary homeowners' association (HOA) in Mill Cove that maintains a community lot and the neighborhood's entrance sign; however, the lots in the neighborhood are not subject to any HOA-administered covenants. Even if there were covenants established by deed, the County must evaluate the use within the context of the Zoning Ordinance and its standards. The County cannot be a party to the enforcement of private covenants, and approval of a Special Use Permit will not relieve the applicant of any responsibilities for compliance with any such covenants that may exist.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its March 11 meeting and, subsequent to conducting a public hearing at which only the applicant spoke, voted 7:0 to recommend approval.

COUNTY ADMINISTRATOR RECOMMENDATION

The proposed home occupation, provided that it is operated in the manner described by the applicant, will be consistent with the type and intensity of activity approved for several other home occupation situations, and is not likely to have any adverse impacts on the surrounding area. Parking would be limited to the existing driveway. I believe that the proposed conditions are sufficient to ensure that it remains a small-scale operation, consistent with the intent of the home occupation provisions of the Zoning Ordinance. Therefore, based on the considerations and conclusions as noted, I recommend that the Board approve the application subject to the conditions contained in proposed Resolution R15-31.

Carter/3337.ewa
Attachments:

- Planning Commission minutes excerpts, March 11, 2015
- Zoning Map
- Narrative

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- Sketch Plan
- Floor Plan
- Proposed Resolution R15-31